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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1141 (1997) of 28 November 1997, in which the Council requested me to report on the implementation of the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) every three months from the date of the adoption of the resolution. The report covers the activities of MIPONUH and developments in the mission area since my report of 20 February 1998 (S/1998/144).

II. POLITICAL SITUATION

2. The institutional crisis of which I informed the Security Council in my previous report (S/1998/144) has persisted, crippling both the executive and legislative branches of Government. Haiti has now been without a Prime Minister since June 1997 and with a virtually paralysed Parliament since January 1998.

3. In the past three months, there have been efforts aimed at breaking the deadlock between the principal factions of what used to be known as the Lavalas movement, but these have been largely unsuccessful. At the end of February, there appeared to be a breakthrough in negotiations between the Organisation du peuple en lutte (OPL) and the anti neo-liberal blocs in Parliament, which seemed to have agreed on a joint political, economic and social programme on the basis of which a new Prime Minister could be ratified. However, differences subsequently arose over the election and composition of the bureau of the Chamber of Deputies and the negotiations ended in failure.

4. The OPL later proposed three candidates for the post of Prime Minister: a former Prime Minister, Mr. Smarck Michel; the former Minister of Agriculture, Mr. Gérard Mathurin; and the former Ambassador of Haiti to the United States of America, Mr. Jean Casimir. With respect to the procedure for the nomination of a Prime Minister, the OPL claimed that the President had to negotiate with the political forces in Parliament before announcing his nominee, so as to ensure that the latter would muster the necessary support in Parliament. President René Préval maintained, on the contrary, that it was the Prime Minister's responsibility to negotiate his programme during the period between

his ratification by the majority of the members present in each Chamber and the vote of confidence on his programme, which requires an absolute majority.

5. After consulting the presidents of the two Chambers of Parliament, as constitutionally required, but without reaching a political agreement with the OPL, which holds a relative majority in Parliament, on 22 March 1998 President Préval again nominated Mr. Hervé Denis (see S/1998/144, para. 4). The President's decision was welcomed by a number of popular organizations and large segments of civil society, but was denounced by the OPL leadership as a provocation. Despite the strong opposition of the OPL, the Chamber of Deputies ratified the choice of Mr. Denis on 7 April 1998. The Senate, however, narrowly rejected it on 15 April, 8 senators out of 16 voting in favour of Mr. Denis.

6. The lack of explicit constitutional arrangements regarding the replacement of the President in the absence of a Prime Minister was again highlighted when the President appointed the Minister of the Interior as caretaker during his absence from Haiti in mid-April 1998. Since his return to Haiti, President Préval has held consultations with the political parties represented in Parliament, including the OPL. As this report was being prepared, discussions were continuing on a four-point agenda presented by the OPL to resolve the crisis. Much hope has been placed on the outcome of these discussions, both in Haiti where the population is weary of the crisis and in the international community, which attaches great importance to the establishment of a Government that will, among other responsibilities, have to lead the country to the next legislative and local elections and ensure their credibility.

7. The institutional crisis was further manifested in the controversial Provisional Electoral Council (CEP), which has continued to operate at reduced capacity following the resignation of six of its nine members in November 1997 and the death of one of the remaining three in April 1998. The image of the Electoral Council has been further tarnished by in-fighting among its members and by a financial scandal. In this context, one of the counsellors was relieved of his duties as Treasurer and the Cour des Comptes closed the CEP's bank accounts as it could not find sufficient evidence of accounting for its funds. The President of the CEP, Mr. Gérard Toussaint, appealed to President Préval to intervene to solve the problems confronting the institution. His call for the dissolution of the Electoral Council was criticized as partisan by some of his colleagues. Meanwhile, the Council's employees have been on strike. A broad consensus has now emerged for the installation of a new, credible and transparent Electoral Council as a precondition for the holding of the forthcoming elections. As to the Presidential Committee in support of the CEP (Commission présidentielle d'appui au Conseil électoral provisoire), which was established in October 1997 to report on the elections of 6 April 1997, it has just submitted its report to the President. So far, the report has not been made public.

8. The OPL and Lafanmi Lavalas have indicated that they want the legislative and local elections to take place by the end of the year, as provided by the Electoral Law. A loose coalition of 26 opposition groupings and parties has signed a declaration of principles calling for free and fair elections in which all political forces would participate. The electoral issue was also discussed

informally among a broad group of political leaders and representatives of civil society at the second inter-Haitian meeting sponsored by the International Peace Academy, which was held at Princeton, New Jersey, in March.

9. The Friends of the Secretary-General for Haiti have indicated their Governments' readiness to provide electoral assistance, including logistical support and contribution to voter awareness programmes, but cautioned that they will not become fully involved unless the Haitians themselves agree on an Electoral Council that will give a reasonable assurance of the integrity and credibility of the electoral process. According to the Electoral Law, such an electoral council would have to initiate the call for elections, which would need to be endorsed by a Government decree signed by the Prime Minister.

10. Under-Secretary-General for Peacekeeping Operations Bernard Miyet visited Haiti from 6 to 9 May 1998 to evaluate the progress of MIPONUH and to hold consultations with political leaders and representatives of civil society in the context of the continuing political impasse. With all his interlocutors, the Under-Secretary-General stressed the deep concern of the international community about the crisis and the need to have properly functioning institutions, as well as timely elections, for the advancement of democracy in the country and its economic development. He urged the Haitian leaders to reach a compromise through dialogue and expressed the willingness of the international community to help ensure the transparency and credibility of the electoral process.

11. It is heartening to note that, notwithstanding the long political crisis, the secure and stable environment established in Haiti under previous United Nations peacekeeping missions has held since the termination of the mandate of the United Nations Transition Mission in Haiti on 30 November 1997 and the subsequent establishment of MIPONUH. While there have been some incidents, such as the civil disturbances in Limonade and Milot in March 1998, these do not appear to reflect any specific pattern of unrest or politically motivated violence.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

12. It will be recalled that, in establishing MIPONUH, the Security Council decided that the new mission should be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel, to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. As at 20 May 1998, the civilian police element of MIPONUH included 285 officers from Argentina, Benin, Canada, France, India, Mali, the Niger, Senegal, Togo, Tunisia and the United States of America (see annex). In order to respond to the increasing need for specialized expertise, MIPONUH has increased the number of civilian police officers advising on matters of drug control, judicial police and environmental matters.

13. While the special police unit is based in Port-au-Prince, the substantive police element is deployed in the capital and throughout the nine départements. Officers belonging to the substantive element have continued their mission of

monitoring the performance of National Police members on the job and of providing training and counselling to higher-level officers.

14. Increasingly, the substantive police element's activities are coordinated with the United Nations Development Programme (UNDP) and bilateral programmes such as those of Canada and the United States of America. On the initiative of Haitian National Police, UNDP sponsored a seminar on 19 and 20 March which was specifically dedicated to the integration and coordination of police training activities and in which the National Police, MIPONUH, UNDP and representatives of relevant entities took part. The seminar served to elaborate further the existing strategy for technical assistance among the various entities. An evaluation mission assessing the capacity of the UNDP technical assistance programme to the National Police, which operates under the joint auspices of MIPONUH and the UNDP Country Office, confirmed the successful inter-agency cooperation in this regard. With a view to complementing technical assistance with material support, MIPONUH has identified the following priority areas: continued police station renovations and procurement of equipment, such as patrol craft for drug control operations and spare parts for previously donated police vehicles. In that regard, the mission has formulated a project proposal with the Director of Logistics of the National Police for joint implementation.

IV. HAITIAN NATIONAL POLICE

15. During the visit of the Under-Secretary-General (see para. 10 above), it was evident that political leaders and representatives of civil society unanimously agreed that the Haitian National Police had continued to progress in discharging its responsibilities. My Representative in Haiti and Head of MIPONUH, Mr. Julian Harston, publicly expressed his satisfaction with the performance of the police during the carnival festivities in February 1998, and favourable comments have largely outweighed criticism in the public debate on the police. Both Secretary of State for Security Robert Manuel and Director-General of the Haitian National Police Pierre Denizé expressed appreciation for the cooperation between MIPONUH and the National Police. They emphasized that there would be a continuing need for the professionalization and training of the National Police, with the continued assistance of the international community, beyond the expiry of the mandate of MIPONUH in November 1998.

16. During the period under review, there were significant personnel changes within the Directorate of the Haitian National Police with a view to improving the credibility of the National Police. In addition, some 150 new policemen began their training in February at the Police Academy, and another 350 are expected to join later, to bring the strength of the police force above 6,700. It will be recalled that in view of the inability of National Police officers to reach outlying areas, President Préval and the Director-General had announced plans to establish a rural police force to complement the National Police (see S/1998/144, para. 21). The possible creation of a rural police force was the subject of further discussions among the Haitian authorities. Some concern has been voiced at the fact that these policemen would be less well qualified and less well paid than regular members of the National Police and at the risks of political pressure on such a force, in the initial selection of which the local government authorities (collectivités territoriales) would be involved.

17. Calls for a police strike provoked by an extension of police work schedules from 8 to 12 hours resulted in "go-slow" activities by the Haitian National Police in various parts of the country early in April. The action was called off when effective mediation by the Directorate of the National Police with dissatisfied police officers led the latter to accept assurances that the measure would be of a temporary nature, until such time as new recruitment would allow for restoration of regular schedules.

18. While effective, National Police involvement in restoring public security during civil unrest in Limonade and Milot in March gave rise to concern that there had been some excessive use of force, including the ransacking of a radio station. The International Civilian Mission (MICIVIH) of the Organization of American States (OAS) and the United Nations issued a statement criticizing the heavy-handed nature of the operation in Milot, and both President Préval and Director-General Denizé went on record saying that inappropriate police conduct would not be tolerated and that rogue policemen would be removed from the force as part of the ongoing épuration programme. The incidents underlined the relevance of a previous MICIVIH recommendation for the appointment of a special magistrate to carry out investigations whenever the police are accused of serious abuses.

19. Among the successful efforts of the Haitian National Police over the last three months are high-profile anti-gang operations, including against drug-related crime. Drug seizures at the airport have yielded more than 650 kilograms of cocaine, which were discovered on four separate occasions. Anti-drug activities have further been enhanced by the Office of the Special Advisor on Drugs in the Ministry of Justice. Furthermore, the visibility of the National Police in both the capital and the provinces has been enhanced further through increased patrolling activities. This stronger presence of the National Police in the day-to-day life of the Haitian citizenry is perceived as a positive development by the population.

V. JUSTICE SYSTEM

20. The Haitian authorities are pursuing their efforts to put into place a judicial reform strategy - an essential requirement for the development and the functioning of a society based on the rule of law. The modernization of the judiciary and improvements in the administration of justice are advancing very slowly, however. The Haitian legislature adopted the law on judicial reform on 7 April 1998. That law, which has not yet been promulgated, identifies some essential elements of judicial reform. It includes specific provisions concerning the fight against impunity and provides that all crimes and misdemeanours committed between 30 September 1991 and 15 October 1994 are imprescriptible, regardless of their magnitude. The Preparatory Commission for Legal and Justice Reform, which is charged with the coordination of a global reform plan, has not yet officially submitted its final report on a general policy.

21. While no date has yet been set for the trial against the perpetrators of the Raboteau massacre of April 1994, some initiatives have been taken for the preparation of the trial. Three experts in forensic anthropology visited Haiti

from 8 to 13 March, at the invitation of the Ministry of Justice and with the assistance of MICIVIH, with a view to applying methods of forensic anthropology to certain ongoing investigations.

22. The Office of the Ombudsman organized a seminar to review the accomplishments of the office since its inception last November and to assess opportunities for a widening of its mandate. Numerous national and international experts participated in the seminar, underscoring the importance of this new institution, regardless of its limited resources, in the efforts of the Haitian State to protect its citizens.

23. The first class of 60 students at the Ecole de la Magistrature graduated on 20 May after completing a 24-week training programme. The placement of the new judges has not yet been officially announced. Preparations for the selection and training of a new class have not been initiated.

VI. DEVELOPMENT ACTIVITIES

24. According to a World Bank poverty assessment report published in April 1998, Haiti, with an annual per capita income of $250, remains the poorest country in the western hemisphere and one of the poorest in the world, with about 80 per cent of the rural population living in poverty. The report stresses that the situation, far from improving, has been deteriorating over the past decade, concomitant with a rate of decline in per capita gross national product of 5.2 per cent a year over the period 1985-1995. The limited statistics available point to what the Bank describes as a "shocking profile of social indicators". Life expectancy at birth is 57 years (compared with a Latin American average of 69), vaccination coverage for children is only 25 per cent, and only about one fourth of the population has access to safe drinking water. More than 50 per cent of the adult population are illiterate, while only about one child in five of secondary-school age actually attends secondary school.

25. The underlying causes of extreme poverty in Haiti identified in the Bank's report are (a) political instability, poor governance and corruption; (b) inadequate growth resulting from severe distortions at the macroeconomic level; (c) under-investment and poor quality expenditure on human capital; and (d) a "poverty trap" created by high unwanted fertility, environmental degradation, and physical insecurity. The remedies put forward to resolve these issues include (a) strengthening essential public sector institutions, improving coordination within government and re-establishing political stability; (b) strengthening macroeconomic stability to reduce distortions and encourage private sector investment; (c) improving the quality of government spending; and (d) rationalizing the assistance provided by external partners.

26. The United Nations Development Programme continues to play an important role in the Haitian transition process, both through its ongoing country programme activities and by virtue of the fact that its Resident Representative is the deputy to my Representative. The UNDP fifth-cycle country programme has recently been extended for two additional years owing to the absence of a stable institutional framework for formulating a new programme. The focus is on promoting good governance through support for the democratization process

(e.g., strengthening parliament, the electoral process, the justice system, law and order and the penitentiary), poverty eradication through grass-roots empowerment, and protection of the environment. Unfortunately, financial constraints have led to a sharp fall in the level of resources available for programming and to a severe reduction of the capacity of UNDP to pursue important ongoing projects or launch new programming initiatives in Haiti. Two important projects financed by UNDP (capacity-building within the Haitian National Police and support to penitentiary reform) will end in November 1998, unless additional financial resources are rapidly mobilized to extend their activities into 1999 and beyond. UNDP has recently launched an in-depth evaluation of its fifth-cycle programme as a first step towards formulating a new programme framework for the next three years.

27. The United Nations system in Haiti, represented by seven specialized agencies or programmes (the Food and Agriculture Organization of the United Nations, the United Nations Population Fund, the World Health Organization, the World Food Programme, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and UNDP), and the two United Nations missions (MIPONUH and MICIVIH), with the participation of the World Bank, the International Monetary Fund and the International Organization for Migration, have now embarked on a consultation process that is expected to lead to greater complementarity in advocacy and programming in line with ongoing United Nations reform. An inter-agency retreat organized from 13 to 15 May 1998 with participation of my Representative, the United Nations Resident Coordinator and the Head of MICIVIH resulted in the setting up of a theme group on population and environment (in addition to the already existing UNAIDS theme group), as well as working groups on health, education, food security, gender equity and employment, and a special group on the north-western region of the country where nearly all the agencies are concentrating their efforts. Drawing inspiration from the United Nations Development Assistance Framework process, the working groups will prepare sectoral reports and set up coordination mechanisms for ongoing activities, while the theme groups will promote advocacy and mobilize resources within the United Nations system, government and civil society to support population and environmental protection, and other activities. A follow-up inter-agency retreat is planned for October 1998 to assess progress within the theme groups and the sectoral working groups.

VII. OBSERVATIONS

28. I am deeply concerned that Haiti has not had a functioning Government for nearly one year. The continuing political crisis is having a destabilizing effect on this fledgling democracy, not least because elements of the Constitution are being ignored. Furthermore, the crisis is having severe repercussions on economic activity and is jeopardizing international assistance. As the Security Council stressed in its presidential statement of 25 March 1998 (S/PRST/1998/8), a prompt solution to the crisis would facilitate economic development and the provision of international assistance. Haitian political leaders must quickly take concrete steps to end the political deadlock, both with regard to the installation of a new government and the holding of free and fair elections to be organized by a new, credible Provisional Electoral Council, so that the country's fragile democracy can be consolidated and pressing

national issues resolved. An encouraging recent development in that regard is the initiation by President Préval of a dialogue with the main political forces represented in Parliament. I urge all the leaders to demonstrate their political will to reach a settlement through practical and constructive compromise.

29. The Haitian National Police continues to make steady progress towards improved effectiveness, despite its being subject to continuing political and financial pressures. However, continuing reports of human rights violations, corruption and other misconduct is cause for concern. Professionalizing the police has to be complemented by a functioning judicial system, for if the Haitian National Police is to function effectively it must do so within the context of a credible judicial system. I therefore again urge the Haitian authorities to move forward expeditiously in the area of judicial reform and call on the international community to provide the necessary assistance in that regard.

30. I would like to take this opportunity to thank my Representative and Head of MIPONUH, Mr. Julian Harston, and the Police Commissioner, Colonel Claude Grude, as well as international and local staff of the mission, for their dedication and efforts in support of United Nations activities in Haiti.

Annex

Composition of the United Nations Civilian Police Mission in Haiti as at 20 May 1998

Country	Special police unit	Substantive element
Argentina	140	6
Benin		6
Canada		23
France		36
India		4
Mali		20
Niger		5
Senegal		8
Togo		7
Tunisia		2
United States of America		28
Subtotal	140	145
Total		285

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